



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

I. Sunil Kumar Bharat Singh and Others	Vs.	FAO-4955-2003 Appellant Respondents
II. Savitri Devi Bharat Singh and Others	Vs.	FAO-4956-2003 Appellant Respondents
III. Kumari Anjali Bharat Singh and Others	Vs.	FAO-4957-2003 Appellant Respondents
IV. Jagbir Singh Bharat Singh and Others	Vs.	FAO-4958-2003 Appellant Respondents

Reserved on: 23.04.2026
Pronounced on: 29.04.2026
Pronounced fully/operative part: Fully

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Argued by:- Ms. Bhumika Khatri, Advocate for
 Mr. Ram Darshan Yadav, Advocate
 for the appellant.

Mr. Anil Kumar Gahlawat, Advocate
 for respondent Nos.2 and 3.

DEEPAK GUPTA, J.

This judgment shall dispose of four connected appeals arising out of the same motor vehicular accident and directed against two awards both dated 29.07.2003 passed by the learned Motor Accident Claims Tribunal, Re-



wari.

2. The facts, briefly stated, are that on 10.05.2000, the appellants namely Jagbir, Anjali, Sunil and Savitri were travelling in a car bearing registration No. HR-05P-0029 from Rewari to Gurgaon. The vehicle was being driven by Sunil. When they reached near village Sidhrawali on National Highway No.8, a Rajasthan Roadways bus bearing registration No. RJ-14P-7816, driven in a rash and negligent manner by respondent No.1, came in a zig-zag fashion from the opposite direction and collided with the car, resulting in multiple injuries to all occupants. The driver of the bus fled from the spot. The injured were taken to Pushpanjali Hospital, Gurgaon, where they were treated. FIR was registered against the driver of the offending vehicle.

3. Four injured claimants—Jagbir, Savitri, Anjali and Sunil, filed separate claim petitions seeking compensation against the driver, owner and insurer of the offending vehicle.

4. The learned Tribunal decided the petitions through two common awards dated 29.07.2003 - one pertaining to Sunil and Savitri, and the other to Jagbir and Anjali. In both awards, the Tribunal conclusively held that the accident occurred due to rash and negligent driving of the bus by respondent No.1, resulting in injuries to all claimants. As this finding has not been challenged, it stands affirmed.

5. The only issue before this Court is with respect to adequacy of compensation. It is settled law that compensation must be “just compensation,” which includes not only pecuniary loss but also damages for pain, suffering, loss of amenities, and the lasting impact of injuries on the life of the victim. The approach of the Court must be liberal, particularly in cases involving fractures and permanent disability.

6. **FAO-4958-2003** : Insofar as appellant Jagbir is concerned, the evidence on record shows that he suffered fracture of spine at T3 and T4 along with head injuries and remained hospitalized from 10.05.2000 to 13.05.2000.



He was advised complete bed rest for about five months. Medical bills indicate expenditure of about ₹16,000/-. He remained on leave for 115 days and suffered 25% physical disability.

7. However, it is not disputed that he was a Government employee and his salary was not reduced. Therefore, the disability cannot be treated as functional disability affecting his earning capacity. Nevertheless, the existence of permanent physical disability necessarily entails loss of amenities of life, discomfort, and reduced quality of living, which must be adequately compensated. A spinal injury invariably affects mobility, endurance, and overall quality of life. The Tribunal failed to adequately compensate for loss of amenities and lifelong discomfort. The amount of ₹72,000/- awarded by the Tribunal is thus found to be inadequate.

8. Having regard to the nature of injuries, period of treatment, and permanent disability, the total compensation payable to Jagbir is reassessed at ₹2,25,000/-. After deducting the amount already awarded, the enhancement works out to ₹1,53,000/-.

9. **FAO-4957-2003** : With regard to appellant Anjali, who was a minor at the time of the accident, the record shows that she remained admitted in the hospital for one day and suffered injuries on the frontal parietal region. There is no evidence of fracture, surgery, or permanent disability. Even so, considering that she was a minor and had suffered head injuries requiring hospitalization, the compensation of ₹10,000/- awarded by the Tribunal appears to be on the lower side. Even in the absence of fracture or disability, the trauma and vulnerability associated with such injuries cannot be overlooked. Taking a reasonable view of the matter, the compensation is enhanced to ₹30,000/-, thereby granting an additional amount of ₹20,000/- over and above the Tribunal's award.

10. **FAO-4955-2003** : Coming to appellant Sunil, it is evident from the record that he suffered multiple injuries including fractures in the right hand, injuries on the face, eye, and head, and remained hospitalized for four days. Med-



ical expenses to the tune of ₹19,000/- stand proved. Although no permanent disability has been established, the nature of injuries clearly indicates that he must have remained incapacitated for a considerable period and would have suffered loss of income as well as pain and suffering. The compensation of ₹30,000/- awarded by the Tribunal is thus wholly inadequate.

11. Even in absence of documentary proof of income loss, a realistic assessment must account for the period of incapacity. The compensation is accordingly reassessed at ₹1,40,000/-, resulting in an enhancement of ₹1,10,000/-.

12. **FAO-4956-2003** : Insofar as appellant Savitri is concerned, she suffered multiple injuries including fracture of the scapula, injuries to the eye, face, and head, and remained hospitalized for four days. Though she claimed loss of vision in one eye, the same is not substantiated by medical evidence. Even in the absence of permanent disability, the nature of injuries indicates that she underwent considerable pain, suffering, and prolonged treatment. The Tribunal awarded ₹32,000/-, which appears inadequate.

13. Taking into account the overall circumstances, the compensation is enhanced to ₹1,10,000/-, giving an additional ₹78,000/-.

14. This Court is of the considered view that the revised compensation better reflects the principle of just compensation and aligns with the settled judicial approach of awarding fair amounts for both pecuniary and non-pecuniary losses.

15. Consequently, all the appeals are partly allowed. The appellants shall be entitled to enhanced compensation as follows:

- Jagbir: ₹1,53,000/- (enhanced)
- Anjali: ₹20,000/- (enhanced)
- Sunil: ₹1,10,000/- (enhanced)
- Savitri: ₹78,000/- (enhanced)

16. The enhanced amounts shall be payable by the respondents jointly and severally along with interest @ 7.5% per annum from the date of filing of the claim petitions till realization. All four appeals stand disposed of in above terms.
17. A copy of this judgment be placed on the connected case files.

(DEEPAK GUPTA)
JUDGE

29.04.2026
Neetika Tuteja

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No

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